

### REMARKS

This application has been carefully reviewed in light of the Office Action dated January 20, 2010. Claims 138 to 140, all of which are independent, are pending in the application. Reconsideration and further examination are respectfully requested.

The Office Action stated that “the reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application.” All of the claims were rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251.

Submitted herewith is a Supplemental Reissue Application Declaration by the Inventor. The Supplemental Reissue Application Declaration is believed to be in compliance with the requirement set forth in the Office Action and with 37 C.F.R. § 1.175(a) and 35 U.S.C. § 251. Accordingly, Applicant respectfully requests withdrawal of those rejections.

All of the claims are now believed to be in condition for allowance.

Applicant therefore respectfully requests favorable reconsideration and allowance of the present reissue application.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

### CONCLUSION

No claim fees are believed due. However, should it be determined that additional claim fees are required under 37 C.F.R. 1.16 or 1.17, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank L. Cire #42,419/  
Frank L. Cire  
Attorney for Applicant  
Registration No.: 42,419

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200

FCIS\_WS 5114652v1